

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7270

Joint Petition of Verizon New England Inc.,)
d/b/a Verizon Vermont, Certain Affiliates)
Thereof, and FairPoint Communications, Inc.)
for approval of an asset transfer, acquisition of)
control by merger and associated transactions)

Order entered: 7/12/2007

ORDER RE: SCOPE OF PROCEEDING

The Petitioners in this proceeding, Verizon New England Inc., d/b/a Verizon Vermont, Certain Affiliates Thereof ("Verizon"), and FairPoint Communications, Inc. ("FairPoint"), brought their petition seeking approval by the Vermont Public Service Board ("Board") under 30 V.S.A. §§ 109, 107, 311, and 231.¹ In the petition and testimony, FairPoint states that it will assume all of Verizon's obligations arising under the Amended Vermont Incentive Regulation Plan adopted by the Board on April 27, 2006, in Dockets 6959/7142 ("the Plan"). Other parties have also addressed the merits of the Plan in testimony. Thus, the question of whether the alternative regulation plan should be transferred to Fairpoint and, on what terms and conditions, is clearly before the Board.

In light of the litigation of issues related to the alternative regulation plan, the Board would like parties to address whether, in order to provide all necessary approvals, the scope of this proceeding should be expanded to specifically include 30 V.S.A. § 226b or whether the Board should affirmatively reopen the alternative regulation plan under 30 V.S.A. § 226b(i). Parties shall file comments on this issue by July 20, 2007.

1. The Petitioners also seek approval of the acquiring company as an Eligible Telecommunications Carrier under Section 245(e) and 214(e)(2) of the Telecommunications Act of 1996.

To the extent that expansion of the scope of this proceeding is appropriate, we will provide additional opportunity for parties to submit testimony. Such testimony shall be narrowly directed to the transfer of an approved alternative regulation plan, especially since the parties appear to have largely addressed some of the substantive criteria governed by § 226b.

If we allow the parties to file supplemental testimony on the transfer of § 226b approval, the Petitioners shall do so no later than August 3, 2007. Other parties may submit responsive testimony no later than August 30, 2007. The Board will also allow two weeks of discovery upon the Petitioners after they file their testimony, and two weeks of discovery by the Petitioners upon the others, from the date of filing of the others' testimony until September 9, 2007. The Board will consider any supplemental testimony during the hearings scheduled for September 17-20, 2007.

SO ORDERED.

Dated at Montpelier, Vermont, this 12th day of July, 2007.

<u>s/James Volz</u>)	
)	
)	PUBLIC SERVICE
<u>s/David C. Coen</u>)	
)	BOARD
)	
<u>s/John D. Burke</u>)	OF VERMONT

OFFICE OF THE CLERK

FILED: July 12, 2007

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)